

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

DAVID J. HILLYER

Debtor

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CASE NO. 05-40845

DECISION AND ORDER

At Fort Wayne, Indiana, on September 27, 2005.

The notice of motion and opportunity to object which American Home Mortgage (hereinafter “Movant”) served in connection with its motion to abandon real estate and for relief from stay does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on August 1, 2005, while the notice refers to a motion filed on September 1, 2005

Since this is the second time that creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the motion is DENIED, without prejudice to resubmission.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court